

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

IN RE:

JAMES M OLSON
xxx-xx-1279
312 Flenniken St
Gladewater, TX 75647-5676

MARY H. OLSON
xxx-xx-7765

DEBTORS

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CASE NO. 21-60198
CHAPTER 7

**MOTION TO APPROVE SALE OF REAL PROPERTY
LOCATED AT 3744 HIGHWAY 367 S, SEARCY, AR 72143,
FREE OF LIENS, CLAIMS AND ENCUMBRANCES, WITH LIENS,
CLAIMS AND ENCUMBRANCES TO ATTACH TO SALES PROCEEDS**

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this application unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE shown in the certificate of service unless the court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The court reserves the right to set a hearing on any matter.

TO THE HONORABLE U.S. BANKRUPTCY JUDGE JOSHUA SEARCY:

COMES NOW, Diane Carter, the duly qualified and acting Chapter 7 Trustee for the above-styled and numbered cause, and files this Motion to Approve Sale of Real Property Located at 3744 Highway 367 S, Searcy, AR 72143 Free of Liens, Claims and Encumbrances, with Liens, Claims and Encumbrances to Attach to Sales Proceeds (the "Motion"), pursuant to

11 U.S.C. §363(f) and Fed.R.Bankr.P. 6004(c), and in support hereof, would show the Court as follows:

1. This Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 1334 and 157. This matter involves the sale of property of the estate and, thus, constitutes a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (N).

2. On 05/06/2021, a voluntary petition under Chapter 7 of Title 11 of the United States Code (the “Bankruptcy Code”) was filed by Debtors. Diane Carter is the duly appointed and acting Chapter 7 Trustee.

3. As of the Petition Date, the following properties were identified by the Debtors on Schedule A of their bankruptcy schedules:

a. No.	Asset Description	Asset Value	Liens	Exemptions	Net Value	Statute
1	Appraised at 108k. Rebuilt single-wide mobile home & .47 acres w/ 2 shops. Debtor reduced price to 80k and could not sell due to financing barriers on singlewide mobile home. 3744 Highway 367 S Searcy, AR 72143-8746	\$77,000.00	\$45,579.54	\$10,000.00	\$21,420.46	11 U.S.C. Â§ 522(d)(5)
Total:		\$77,000.00	\$45,579.54	\$10,000.00	\$21,420.46	

4. Trustee has received an offer (the “Contract”) to purchase the Property from Efrain Rodriguez (“Purchaser”) for the sum of \$69,900.00 (the “Purchase Price”). A copy of the Contract is attached hereto as Exhibit “A”.

5. Trustee requests authority to enter into the Contract and sell the Debtors' interest in the Property pursuant to its terms to Purchaser. Trustee believes the Purchase Price represents the fair market value of the interest in the Property and that the proposed sale is in the best interest of the estate. Trustee requests that (i) the sale be made "as is, where is" without any representations or warranties concerning the condition, suitability or habitability of the Property; (ii) that it be without any representations or warranties as to ownership, title, right or interest in or to any fixtures, personal property or improvements on the Property.

6. Trustee requests authority to sell the interest in the Property free and clear of all liens, claims and encumbrances pursuant to Section 363(f)(3), (4) and/or (5) of the Bankruptcy Code with such liens, claims and encumbrances attaching to the sales proceeds.

7. Trustee further requests authorization to pay at closing and, at her discretion, the ad valorem taxes due and owing on the Property, if any, and other closing costs as set forth in the Contract. Closing costs would include the normal costs at a real estate closing including the costs for a title policy and payment of the any commissions. In addition, the total sales commission of 6% -2.4% to the buyer's agent and 3.6 to Seller's agent. Finally, Trustee requests authorization to execute all documents necessary to consummate the closing of an approved sale.

8. Trustee also requests that in the event this transaction does not close that the Trustee is authorized to sell the Property to any third party who pays at least \$69,900.00 to purchase the property.

9. Trustee requests the fourteen-day stay under Bankruptcy Rule 6004(h) is waived and the entry of the Sale Order and shall be effective and enforceable immediately upon entry.

PRAYER

WHEREFORE, Trustee prays that the Court enter an order pursuant to 11 U.S.C. § 363(f) authorizing her to (i) enter into the Contract, (ii) sell the interest in the Property to Purchaser pursuant to the Contract as described above free and clear of any and all liens, claims and encumbrances with any and all such liens, claims and encumbrances attaching to the sale proceeds (iii) pay ad valorem taxes and closing costs out of the sale proceeds, and (iv) in the event that the Purchaser does not close, then the Trustee is authorized to sell the Property to any third party who pays at least \$69,900.00 to purchase the property (v) granting this motion and granting the Trustee such other and further relief to which she is justly entitled.

DATED: August 20, 2021

Respectfully submitted,

BARRON & CARTER, L.L.P.
660 N. Central Expressway, #101
Plano, Texas 75074
Tel: (972) 422-9377
Fax: (972) 578-9707

By: /s/ Diane S. Carter
Diane S. Carter, Trustee
TBA NO. 24043310

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served on the parties on the attached mailing list in accordance with LBR 9013(f) either through the Court's electronic notification system as permitted by Appendix 5005 III. E. to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid on August 20, 2021 and the attached mailing matrix.

Beverly Baldridge
200 W. Mulberry Ave.
Searcy, AR 72143)

Centennial Bank
c/o Cliff A. Wade, Baker Lopez
5728 LBJ Freeway, Suite 150
Dallas, TX 75240

represented by

Cliff A Wade
Baker Lopez
5728 LBJ Freeway
Ste 150
Dallas, TX 75240

JPMorgan Chase Bank, N. A.
14841 Dallas Parkway, Suite 425
Dallas, TX 75254

James M Olson
312 Flenniken St
Gladewater, TX 75647-5676

represented by

Carol Cross Stone
Law Office of Carol Cross Stone
1118 Judson Road
Longview, TX 75601

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

US Trustee
Office of the U.S. Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702

/s/ Diane S. Carter

Diane S. Carter

Label Matrix for local noticing

AT&T (S)

Document Page 6 of 7

Alpha Recovery Corp.

0540-6

Attn: Bankruptcy Dept.

6912 S. Quentin St. 10

Case 21-60198

208 S Akard St Suite 3700

Englewood, CO 80112-4531

Eastern District of Texas

Dallas, TX 75202-4206

Tyler

Fri Aug 20 14:10:21 CDT 2021

Beverly Baldridge

Bank of America

Bank of America NA

200 W. Mulberry Ave.

P.O. Box 15026

PO Box 31785

Searcy, AR 72143-6709

Wilmington, DE 19850-5026

Tampa, FL 33631-3785

Brand Source/Citi Bank

CHI St. Vincent Infirmary

Diane Carter

Attn: Bankruptcy

2 St. Vincent Circle

660 North Central Expressway

PO Box 6403

Little Rock, AR 72205-5499

Ste. 101

Sioux Falls, SD 57117-6403

Plano, TX 75074-6759

Carti

Centennial Bank

(p)CENTENNIAL BANK ATTN SPECIAL ASSETS

POB 55050

c/o Cliff A. Wade, Baker Lopez

P O BOX 1028

Little Rock, AR 72215-5050

5728 LBJ Freeway, Suite 150

CABOT AR 72023-1028

Dallas, TX 75240-6340

Centennial Bank

Chase Auto Finance

Citibank, N.A.

c/o Cliff A. Wade

14800 Frye Road

5800 S Corporate Pl

Baker Lopez

Fort Worth, TX 76155-2732

Sioux Falls, SD 57108-5027

5728 LBJ Freeway, Suite 150

Dallas, Texas 75240-6340

Discover Bank

Discover Financial

Ethan Noakes

Discover Products Inc

Attn: Bankruptcy

214 Vincent St.

PO Box 3025

PO Box 3025

Bradford, AR 72020

New Albany, OH 43054-3025

New Albany, OH 43054-3025

First Security Bank

JPMorgan Chase Bank, N. A.

Mechanics Bank

Attn: Bankruptcy

14841 Dallas Parkway, Suite 425

Attn: Legal Dept

PO Box 1009

Dallas, TX 75254-8067

PO Box 5610

Searcy, AR 72145-1009

Hercules, CA 94547-5610

James M Olson

Mary H. Olson

PRA Receivables Management, LLC

312 Flenniken St

312 Flenniken St

PO Box 41021

Gladewater, TX 75647-5676

Gladewater, TX 75647-5676

Norfolk, VA 23541-1021

Carol Cross Stone

Synchrony Bank

Synchrony Bank/Lowes

Law Office of Carol Cross Stone

c/o PRA Receivables Management, LLC

Attn: Bankruptcy

1118 Judson Road

PO Box 41021

PO Box 965060

Longview, TX 75601-5117

Norfolk VA 23541-1021

Orlando, FL 32896-5060

Synovus Bank/GreenSky

U.S. Attorney General

US Trustee

Attn: Bankruptcy

Department of Justice

Office of the U.S. Trustee

PO Box 120

Main Justice Building

110 N. College Ave.

Columbus, GA 31902-0120

10th & Constitution Ave., NW

Suite 300

Washington, DC 20530-0001

Tyler, TX 75702-7231

UT Health NE MD Anderson Cancer Center

Cliff A Wade

White County

UT Texas of Tyler

Baker Lopez

119 West Arch

11937 US Hwy 271

5728 LBJ Freeway

Searcy, AR 72143-7723

Tyler, TX 75708-3154

Ste 150

Dallas, TX 75240-6340

Zwicker & Associates, PC

80 Minuteman Rd

Andover, MA 01810-1008

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Centennial Bank

1300 W. Beebe Capps

Searcy, AR 72143

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Diane Carter
660 North Central Expressway
Ste. 101
Plano, TX 75074-6759

(d)PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

End of Label Matrix	
Mailable recipients	33
Bypassed recipients	2
Total	35